

IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF PENNSYLVANIA

ROBERT DUNCAN,
Plaintiff,

v.

CITY OF PHILADELPHIA, *et al.*,
Defendants.

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CIVIL ACTION NO. 24-CV-1133

ORDER

AND NOW, this 2nd day of May, 2024, upon consideration of Plaintiff Robert Duncan's Motion to Proceed *In Forma Pauperis* (ECF No. 5), and *pro se* Complaint (ECF No. 2) it is **ORDERED** that:

1. Leave to proceed *in forma pauperis* is **GRANTED** pursuant to 28 U.S.C. § 1915.
2. The Complaint is **DEEMED** filed.
3. For the reasons stated in the Court's accompanying Memorandum, the Complaint is **DISMISSED** as follows:
 - a. Any claims raised on behalf of James Malone are **DISMISSED WITHOUT PREJUDICE** for lack of subject matter jurisdiction; and
 - b. Any claims raised on behalf of Robert Duncan are **DISMISSED WITH PREJUDICE** for failure to state a claim pursuant to 28 U.S.C. § 1915(e)(2)(B)(ii).
4. The Clerk of Court is **DIRECTED** to **CLOSE** this case.

BY THE COURT:



KAI SCOTT, J.